

The Honorable _____

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT HENICKSMAN,

Plaintiff,

v.

PACIFIC REAL ESTATE ASSOCIATES,
INC. d/b/a PACIFIC REALTY PROPERTY
MANAGEMENT,

Defendant.

No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1446(a), Defendant Pacific Real Estate Associates, Inc. d/b/a Pacific Realty Property Management ("Defendant") submits this Notice of Removal and states:

STANDARD

1. "[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. §1441(a).

2. To remove a case from state court to federal court, a defendant merely needs to file a notice of removal "containing a short and plain statement of the

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Case No.

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grounds for removal.” 28 U.S.C. §1446(a); *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 551, 190 L. Ed. 2d 495 (2014).

FEDERAL QUESTION JURISDICTION

3. Federal district courts have “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

4. Pursuant to 28 U.S.C. § 1367, “in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy . . .”

5. In his Second Cause of Action, Plaintiff alleges unpaid overtime wages and commissions in violation of the Fair Labor Standards Act, 29 USC § 206.

6. Therefore, this Court has original jurisdiction on the basis of federal question jurisdiction under 28 U.S.C. § 1331 and 29 U.S.C. § 185 and supplemental jurisdiction over any state law claims under 28 U.S.C. § 1367. Therefore, this action is removable under 28 U.S.C. § 1441.

INTRADISTRICT ASSIGNMENT

7. Plaintiff originally filed this action in the Superior Court for the State of Washington for the County of Pacific.

8. Pursuant to 28 U.S.C. § 1441(a), venue is proper in this district and this division, because it encompasses the county in which this action has been pending.

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Case No.

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1 **CONCLUSION**

2 WHEREFORE, Defendant Pacific Real Estate Associates, Inc. d/b/a
3 Pacific Realty Property Management respectfully requests that this action be removed to
4 this Court in its entirety.

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6 Dated this 27th day of March, 2017.

7 BULLARD LAW

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9 By s/ Megan J. Crowhurst
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14 Attorneys for Defendant Pacific Real Estate
15 Associates, Inc.
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NOTICE OF REMOVAL- 3
Case No.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on March 27, 2017 I served the foregoing **NOTICE**
3 **OF REMOVAL** on:

- 4
- 5 ☒ by **electronic** means through the Court's Case Management/Electronic Case File
6 system, which will send automatic notification of filing to each person listed
above.
- 7 ☐ by **mailing** a true and correct copy to the last known address of each person
8 listed. It was contained in a sealed envelope, with postage paid, addressed as
stated above, and deposited with the U.S. Postal Service in Portland, Oregon.
- 9 ☐ by causing a true and correct copy to be **hand-delivered** to the last known
10 address of each person listed. It was contained in a sealed envelope and
addressed as stated above.
- 11 ☐ by causing a true and correct copy to be delivered **via overnight courier** to the
12 last known address of each person listed. It was contained in a sealed envelope,
with courier fees paid, and addressed as stated above.
- 13 ☐ by **faxing** a true and correct copy to the last known facsimile number of each
14 person listed, with confirmation of delivery. It was addressed as stated above.
- 15 ☒ by **emailing** a true and correct copy to the last known email address of each
person listed, with confirmation of delivery.

16 s/ Megan J. Crowhurst
17 Megan J. Crowhurst
18 Attorneys for Defendant
19 Pacific Real Estate Associates, Inc. d/b/a Pacific
Realty Property Management

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